



Paper No. 6

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OFFICE OF PETITIONS

In re Application of
Smith., *et al.*
Application No. 09/965,485
Filed: September 27, 2001
Attorney Docket No. 2250-013: ~~DECISION GRANTING~~
: PETITION
:
:

This is a decision on the January 3, 2002 petition requesting that the above-identified application, without drawings, be accorded a filing date of September 27, 2001.

The application was filed on without drawings on September 27, 2001.¹ Accordingly, on October 25, 2001, Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application" stating that no filing date had been assigned because the application was deposited without drawings. A two month deadline was set for replying with the missing drawings and a new declaration specifically covering said items.

In response, Petitioner filed this petition on January 3, 2002. This is outside of the two month deadline set by the notice. No request for a time extension has been requested, nor has an authorization to charge the fee been supplied. It is recognized that the petition is dated November 13, 2001, but this date is not ratified by a valid certificate of mailing as set forth in 37 CFR 1.8.

Accordingly, this petition is dismissed. Furthermore, as the possibility for filing an extension of time has lapsed, *this application is abandoned*.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted.² The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.53". This is **not** a final agency action within the meaning of 5 U.S.C. §704.

Further correspondence with respect to this matter should be addressed as follows:

¹ 35 U.S.C. § 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

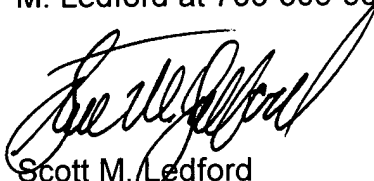
² See 37 C.F.R. §1.137(d).

By mail: Assistant Commissioner for Patents
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Telephone inquiries specific to this matter should be directed to Petitions Attorney Scott M. Ledford at 703-306-5593.



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